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5 IN THE UNITED STATES DISTRICT COURT
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7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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9 WALTER PEREZ ESCOBAR, MARGARITA
10 GONZALEZ and FRANCISCO CISNEROS-
11 ZAVALA, individually and on behalf of all
others similarly situated,

12 Plaintiff,

13 v.

14 WHITESIDE CONSTRUCTION
15 CORPORATION, NMS SUPPLY INC., J.W.
16 CONSTRUCTION, INC., and DAVID R.
WHITESIDE,

17 Defendants.
18 _____/

No. C 08-01120 WHA

**ORDER REQUESTING
SUPPLEMENTAL MATERIALS
RE MOTION FOR
CONDITIONAL CERTIFICATION
OF A SETTLEMENT CLASS**

19 Before ruling on the pending motion for conditional certification of a settlement class,
20 the Court requests that by no later than **TUESDAY, SEPTEMBER 8, 2009, AT NOON**, defense
21 counsel submit balance sheets and any audited or unaudited financial statements of Whiteside
22 Construction Corporation to document its financial problems for the period of 2008 to the
23 present. By the same date, the parties shall submit a revised settlement agreement and release
24 that clarifies and narrows the scope of any release by absent class members to the specific
claims at issue in this action.

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26 **IT IS SO ORDERED.**

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28 Dated: September 3, 2009



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE